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Attorneys for Plaintiff
United States of America

IN THE UNITED STATES DISTRICT COURT
EASTERN DISTRICT OF CALIFORNIA

UNITED STATES OF AMERICA,

Plaintiff,

v.

DERICK LOUANGAMATH,

Defendant.

CASE NO. 2:20-CR-00034-KJM

STIPULATION REGARDING EXCLUDABLE
TIME PERIODS UNDER SPEEDY TRIAL ACT;
FINDINGS AND ORDER

DATE: April 19, 2021
TIME: 9:00 a.m.
COURT: Hon. Kimberly J. Mueller

IT IS HEREBY STIPULATED by and between the parties hereto through their respective counsel, Acting U.S. Attorney Phillip A. Talbert, through Assistant United States Attorney Aaron D. Pennekamp, attorney for plaintiff, and Federal Defender Heather Williams, through Assistant Federal Defender Mia Crager, attorney for defendant Derick Louangamath, that time is properly excluded under the Speedy Trial Act from April 19, 2021 through May 11, 2021 under Local Code E and T4.

STIPULATION

Plaintiff United States of America, by and through its counsel of record, and defendant, by and through defendant's counsel of record, hereby stipulate as follows:

1. On March 8, 2021, defendant filed a motion to suppress evidence, which is currently pending before this Court.
2. By previous order, this matter was set for a status conference and motion hearing on defendant's motion to suppress on April 19, 2021. By stipulation of the parties, and by previous order,

1 the time between April 5, 2021 and April 19, 2021 was excluded from the Speedy Trial Act calculations
2 under Local Code E.

3 3. On April 19, 2021, the parties held their status conference and motion hearing, and the
4 Court ordered the parties to appear for an evidentiary hearing concerning defendant's motion to suppress
5 on May 11, 2021. Defendant's motion to suppress therefore remains pending before this Court.

6 4. By this stipulation, defendant now moves to exclude time between April 19, 2021, and
7 May 11, 2021, under Local Code E and T4.

8 5. The parties agree and stipulate, and request that the Court find the following:

9 a) The government has represented that the discovery associated with this case
10 includes investigative reports and related documents, criminal history documents, and other
11 paper documents totaling approximately 200 pages, along with several audio and video files
12 depicting Sacramento Police Department officers' body camera footage, in-car camera footage,
13 dispatch radio recordings, and other records representing approximately 9 GB of data. All of this
14 discovery has been either produced directly to counsel and/or made available for inspection and
15 copying. Moreover, the defendant has lodged additional discovery requests, which are still
16 pending. The government has responded to the defendant's requests, and the parties expect
17 discussions concerning these discovery requests to continue.

18 b) In light of the government's produced discovery, counsel for defendant desires
19 additional time to consult with her client, to review the current charges, to conduct investigation
20 and research related to those charges, to review and copy discovery for this matter, to inspect
21 physical evidence seized and/or otherwise available concerning this matter, to discuss potential
22 resolutions with her client, to consider and/or prepare pretrial motions, and to otherwise prepare
23 for trial.

24 c) Counsel for defendant believes that failure to grant the above-requested exclusion
25 of time would deny her the reasonable time necessary for effective preparation, taking into
26 account the exercise of due diligence.

27 d) The government does not object to the exclusion of time.

28 e) Based on the above-stated findings, the ends of justice served by excluding time

as requested outweigh the interest of the public and the defendant in a trial within the original date prescribed by the Speedy Trial Act.

f) For the purpose of computing time under the Speedy Trial Act, 18 U.S.C. § 3161, et seq., within which trial must commence, the time period of April 19, 2021 to May 11, 2021, inclusive, is deemed excludable pursuant to 18 U.S.C. § 3161(h)(7)(A), B(iv) [Local Code T4] because it results from a continuance granted by the Court at defendant's request on the basis of the Court's finding that the ends of justice served by taking such action outweigh the best interest of the public and the defendant in a speedy trial.

g) Moreover, for purposes of computing time under the Speedy Trial Act, the parties agree that the time between April 19, 2021 and May 11, 2021 is automatically excludable because a pretrial motion to suppress remains pending before the Court. *See* 18 U.S.C. § 3161(h)(1)(D) [Local Code E].

6. Nothing in this stipulation and order shall preclude a finding that other provisions of the Speedy Trial Act dictate that additional time periods are excludable from the period within which a trial must commence.

IT IS SO STIPULATED.

Dated: April 19, 2021

PHILLIP A. TALBERT
Acting United States Attorney

/s/ AARON D. PENNEKAMP
AARON D. PENNEKAMP
Assistant United States Attorney

Dated: April 19, 2021

/s/ MIA CRAGER
MIA CRAGER
Counsel for Defendant
DERICK LOUANGAMATH

FINDINGS AND ORDER

IT IS SO FOUND AND ORDERED this 21th day of April 2021.


CHIEF UNITED STATES DISTRICT JUDGE